

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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TUESDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

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P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No.27053 of 2007

Between:

Smt.D. Sowbhagyamma

... Petitioner

Versus

**The Joint Collector,
Kurnool,
Kurnool district & Anr.**

... Respondents

**Counsel for the Petitioner:
(4658)**

Sri U. RAMANJANEYULU

**Counsel for the Respondents:
SUPPLIES**

GOVT.PLEADER FOR CIVIL

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No.27053 of 2007

ORDER:

Heard Sri U.Ramanjaneyulu, the learned counsel representing the writ petitioner and the learned Govt.Pleader for Civil Supplies.

2. The writ petition is filed for a writ of mandamus, declaring the action of the respondent in issuing the Proceedings RC.DSO/CSI[1] EC.No.94/2007 dated 30-11-2007 as illegal, arbitrary and violation of the principles of natural justice and consequently to direct the first respondent to release the seized stocks in favour of the petitioner forth with and to pass such other suitable orders as this Court may deems fit and proper in the circumstances of the case.

3. Several facts had been narrated in the affidavit filed in support of the writ petition.

4. No doubt, Sri Ramanjaneyulu, the learned counsel for the writ petitioner would maintain that the power of seizure itself is not available in a case of this nature and placed strong reliance on a decision of this Court in **SRI SAI TRADERS, represented by its Proprietor and Ors. V/s. THE ASSISTANT SUPPLY OFFICER, Circle-I, VIJAYAWADA AND ORS**^[1].

5. It is also stated that an application already had been moved by the writ petitioner before the first respondent praying for appropriate reliefs inclusive of release of seized stocks. But however, the first respondent had not passed any order till today. Further it is stated that in the meanwhile the second respondent is further proceeding with the sale of seized stocks.

6. In the light of the facts and circumstances of the case, this Court is of the considered opinion that the writ petition be disposed of directing the first respondent to dispose of the application within a period of two weeks from the date of receipt of a copy of this order and till then the respondent not to further proceed with the sale of seized stocks.

7. With the above direction, the writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S .

NARAYANA .

18/12/2007.

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NB:

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- 1) Operative Portion of the Order
by wire at party's costs.
- 2) CC of the Order tomorrow.

B/o. ISL

[\[1\]](#)) 2006 (4) ALT-758